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**Date:** 08/11/2005**To:** Examiner Duc Truong

Art Unit 1711

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Cover Sheet + 5 Pages**Message:**

RE: Patent Application No.: 10/808,266

Filed: 03/17/2004

Inventor: Keller et al.

Docket No.: NC 96,202

Response to Final Rejection – 5 pages

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Keller et al.

Serial No.: 10/808,266

Filed: 03/17/2004

For: OLIGOMERIC HYDROXY ARYLETHER PHTHALONITILES AND SYNTHESIS  
THEREOF

Examiner: Truong, Duc

Art Group Unit: 1711

Honorable Commissioner of Patents

PO Box 1450

Alexandria, VA 22313-1450

August 11, 2005

## RESPONSE TO FINAL REJECTION

Sir:

In response to the Office action of 05/13/2005, setting a three month shortened statutory period of reply, please consider the following remarks.

Claims 14-21 and 38-56 are pending in the application. No claims are presently allowed.

## Finality of Rejection

The final rejection includes a new ground of rejection of claims 14-21 and 38-46 under 35 U.S.C. 112, first paragraph for alleged lack of enablement, and stated that Applicants' amendment necessitated the new ground of rejection. (p. 3, lines 16-17.) However, Applicants' made no amendment in response to the previous office action. Under MPEP 706.07(a), "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement." No IDS or amendment was filed with the previous response. The rejection should not be a final rejection.

A petition to withdrawal finality was filed on 06/20/2005, but no decision has been received by Applicants.

## CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office on the date shown below.

8/11/05  
Date

Joseph T. Grunkemeyer  
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